There are a staggering 1.8 million people behind bars in the United States, a number so big it can make mass incarceration seem abstract. But mass incarceration is a local problem, driven by more than 3,000 county-run jails and local justice systems and nearly 18,000 police departments.

**Jails** are primarily funded by county-level taxpayer dollars and used to lock up people who are awaiting trial but have not been convicted of the charges they are facing. The vast majority of people in jail are simply too poor to pay bail. Some jails also hold people serving shorter prison sentences, and many jails rent beds to the state prison system or federal authorities—like U.S. Immigration and Customs Enforcement (ICE). Most jails are run by elected sheriffs or jailers.

**Prisons** are primarily funded by state and federal tax dollars and hold people serving sentences of more than a year. Prisons are run by state departments of corrections and are managed by wardens. Fewer than 9 percent of incarcerated people are held in private prisons.

This fact sheet will help you understand who is locked up in your county jail and how this impacts your community.

**Use it to:**
- Explore trends
- Talk about their impact
- Change the system

Just a few days behind bars is enough to:
- Lose housing
- Cause strain on a family
- Lose employment

Hays County
TEXAS

434 people were in the Hays County jail on a typical day in 2020.

676 people from Hays County were in state prison at the end of 2019.
Public health

Jails have revolving doors, often churning the same people in and out. Even before COVID-19, jail stays led to worse physical and mental health outcomes.³

County jail population

- Total jail population
- Jail capacity
- Pretrial jail population
- Jail construction

Rising incarceration

On an average day in 2020, 434 people were being held in the county jail, 120 percent of the total capacity. The 167 percent increase in incarceration since 1990 does not necessarily reflect an increase in serious crime.³

Cost

In 2020, Hays County spent $57.5 million in taxpayer dollars to expand the jail. Once completed, it will have the capacity to incarcerate up to 1,200 people. Jail costs continue to make up a sizable portion of the budget. Every dollar spent is one that could have gone to critical community needs.

Pretrial detention

291 people were detained pretrial on a typical day in 2020. Many are sitting in jail simply because they cannot pay bail.

Admissions to state prison

- Total prison admissions

Increase in state prison admissions

The number of people sent to state prison from Hays County has risen 150 percent since 1990.

Note: Prison admissions reflect current sentencing practices more clearly than does the prison population. This is because the prison population, which includes people serving long sentences, changes more slowly in response to reforms.
Different agencies using the county jail (2020)

- 1% People held for Hays County
- 3 People held for the state prison system

Cashing in on incarceration
On a typical day, 1 percent of people being held in the county jail fill beds “rented” to other agencies. The county gets paid a per diem to incarcerate or detain them.

Most counties charge fines and fees for court costs and jail stays. This further traps people in cycles of poverty.

Racial disparities in criminalization (2019)

Latinx and Black people are 45% of the county population...
...but 61% of the county jail population.

- Black 5%
- Latinx 40%
- Black 15%
- Latinx 46%

Racial disparities begin with who gets stopped by the police and multiply throughout the legal system. When charged with similar offenses as white people, Black people are more likely to be detained pretrial, convicted, and given harsher sentences. Seemingly “color-blind” policies may still disproportionately impact communities of color.

People of every race and ethnicity are incarcerated at higher rates than they were in 1970.

Latinx people are also overrepresented in the nation’s jails, yet common misclassification of ethnicity leads to distorted, lower estimates of Latinx incarceration.

Women in the county jail

- 21 Women in jail in 1990
- 66 Women in jail in 2019

Women in jail rising by 214% from 1990 to 2019

Women in the county jail population

- 2 in 3 Two-thirds of women in jail across the country are mothers of young children.
- 1 in 2 More than half of all people who are in jail because they couldn’t make bail are parents to young children.
- 1 in 2 Nearly half of adults in the United States have had an immediate family member in jail or prison.

Understanding disparities

Racial disparities begin with who gets stopped by the police and multiply throughout the legal system. When charged with similar offenses as white people, Black people are more likely to be detained pretrial, convicted, and given harsher sentences. Seemingly “color-blind” policies may still disproportionately impact communities of color.

People of every race and ethnicity are incarcerated at higher rates than they were in 1970.

Latinx people are also overrepresented in the nation’s jails, yet common misclassification of ethnicity leads to distorted, lower estimates of Latinx incarceration.

Locking up loved ones

- 2 in 3 Two-thirds of women in jail across the country are mothers of young children.
- 1 in 2 More than half of all people who are in jail because they couldn’t make bail are parents to young children.
- 1 in 2 Nearly half of adults in the United States have had an immediate family member in jail or prison.
Each of these officials makes decisions that lead to criminalization and incarceration in your community:

**Police and the sheriff** → decide who gets stopped, who gets arrested, what they’re charged with, and whether or not they’re booked into jail.

**Prosecutors** → decide who gets diverted and who gets prosecuted and on which charges. They also make bail recommendations, control most of the evidence in a case, offer plea bargains, and make sentencing recommendations.

**Probation and parole officers** → decide supervision rules and requirements, what costs people under supervision must shoulder, and whether to reincarcerate someone for inability to meet those requirements.

**Judges** → decide who gets released or detained pretrial and who must pay a money bond to secure freedom. A judge or jury determines whether someone is found guilty and selects the terms of a sentence.

**City, county, and state legislators** → decide spending priorities for the community, control the purse strings that fund each of these systems, and enact local policies. State legislators write the criminal code, determining what constitutes an offense.

As a community member, **YOU** have influence over decision-making in Hays County. You can get involved with or start local efforts to shift power into the community and end mass incarceration in Hays County.

---

**Citations**

10. Ibid.

**Data**

This fact sheet uses data from four U.S. Bureau of Justice Statistics (BJS) data series and is supplemented, when available, with data obtained directly from the Texas Commission on Jail Standards, the Texas Department of Criminal Justice, and the Hays County Sheriff’s Office for the more recent years for which BJS data is not yet available. The Census of Jails provides data through 2013; the Annual Survey of Jails provides data through 2018; the National Corrections Reporting Program provides data through 2016; and the National Prisoner Statistics program provides data through 2017. A complete dataset and documentation are available on Vera’s GitHub at https://github.com/vera-institute/incarceration-trends.

**Acknowledgments**

This fact sheet would not be possible without the excellent work of researchers at the Bureau of Justice Statistics—E. Ann Carson, Todd Minton, and Zhen Zeng—who maintain the Annual Survey of Jails, Census of Jails, National Corrections Reporting Program, and National Prisoner Statistics program. This report was designed by Paragini Amin at Design for Progress and created by Eltal Schattner-Elmaleh, Sarah Minion, and James Wallace-Lee. Thanks to Jessica Zhang, Maurice Smith, Bea Hallbach-Singh, and Jacob Kang-Brown for research support.

**Credits**

© Vera Institute of Justice 2021. All rights reserved. An electronic version of this report is posted on Vera’s website at vera.org/projects/in-our-backyards/community-grants/hays-county-tx.pdf.

For **more information**

For questions, contact backyards@vera.org.